

### **Amendments to the Claims:**

This listing of claims replaces all prior versions and listings of claims in the application:

### **Listing of Claims:**

1. (Currently amended) A recombinant protein having an anti-cancer effect, which is one selected from the group consisting of:

1) a protein having the amino acid sequence of SEQ ID No:2 shown in the sequence listing;

2) a protein ~~derived from SEQ ID No:2~~, which has a sequence homology of more than 90% with SEQ ID No:2 and which has the same anti-cancer activity as that of SEQ ID No:2; and

3) a protein derived from SEQ ID No:2, which is obtained by substitution, deletion, or addition of one or several amino acid residues in the amino acid sequence of SEQ ID No:2, and which has the same anti-cancer activity as that of SEQ ID No:2.

2. (Previously presented) The protein according to Claim 1, wherein said protein is SEQ ID No:2 shown in the sequence listing.

3. (Withdrawn) A gene encoding a recombinant protein having an anti-cancer effect, which gene is one selected from the group consisting of:

1) SEQ ID No:1 shown in the sequence listing;

2) a polynucleotide encoding the amino acid sequence of SEQ ID No:2 shown in the sequence listing;

3) a DNA sequence which has more than 90% sequence homology with the DNA sequence defined by SEQ ID No:1 shown in the sequence listing and which encodes a protein having the same activity as that of a protein encoded by SEQ ID No:1; and

4) a DNA sequence encoding a protein derived from SEQ ID No:2, wherein said protein derived from SEQ ID No:2 is obtained by substitution, deletion, or addition of one or several amino acid residues in the amino acid sequence of SEQ ID No:2, and has the same activity as that of SEQ ID No:2.

4. (Withdrawn) The gene according to Claim 3, wherein said gene is SEQ ID No:1 shown in the sequence listing.

5. (Original) A medicament for treating cancers comprising the recombinant protein according to Claim 1 as the active ingredient.

6. (Previously presented) The medicament according to Claim 5, wherein said protein is SEQ ID No:2 shown in the sequence listing.

7. (Withdrawn) An expression vector comprising the gene according to Claim 3.

8. (Withdrawn) An expression vector comprising the gene according to Claim 4.

9. (Withdrawn) A cell line comprising the gene according to Claim 4.

10. (Withdrawn) A method of the preparing a medicament for treating cancers comprising placing the recombinant protein according to Claim 1 with a pharmaceutically acceptable carrier.

11. (Withdrawn) A method according to Claim 10 wherein said protein is SEQ ID No:2 shown in the sequence listing.

12. (Withdrawn) A method according to Claim 10 wherein said cancer is selected from the group consisting of colon cancer, lung cancer, multiple myeloma, brain glioma, leukemia, breast cancer, small-cell lung cancer and pancreas cancer.

13. (Withdrawn) A method according to Claim 11 wherein said cancer is selected from the group consisting of multiple myeloma, leukemia, brain glioma, lung cancer and colon cancer.

14. (Withdrawn) A method for treating cancers in a subject, comprising administering to said subject an effective amount of the protein of Claim 1.

15. (Withdrawn) The method according to Claim 14, wherein said cancer is selected from the group consisting of colon cancer, lung cancer, multiple myeloma, brain glioma, leukemia, breast cancer, small-cell lung cancer, and pancreas cancer.

16. (Withdrawn) The method according to Claim 15, wherein said protein is SEQ ID No:2 shown in the sequence listing and said cancer is selected from the group consisting of multiple myeloma, leukemia, brain glioma, lung cancer and colon cancer.

17. (New) A polypeptide comprising the amino acid sequence of SEQ ID NO:2.

18. (New) A polypeptide consisting of the amino acid sequence of SEG ID NO:2.

19. (New) The polypeptide of claim 17 wherein the amino acid sequence of the polypeptide differs from SEQ ID NO:2 by the addition of 15 or fewer amino acids at the N-terminus.

20. (New) The polypeptide of claim 17 wherein the amino acid sequence of the polypeptide differs from SEQ ID NO:2 by the addition of 15 or fewer amino acids at the C-terminus.

21. (New) A polypeptide comprising an amino acid sequence that has at least 90% homology to SEQ ID NO:2, wherein the polypeptide has the same anti-cancer activity as a polypeptide comprising SEQ ID NO:2.